

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARY FRIEDRICH ENTERPRISES, LLC, et al., :

Plaintiffs, :

- against- :

MARVEL ENTERPRISES, INC., et al., :

Defendants. :  
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08-cv-01533 (KBF)(JCF)

**DECLARATION OF RANDI W. SINGER IN SUPPORT OF DEFENDANTS'  
MOTION TO STRIKE PLAINTIFFS' JURY DEMAND**

I, Randi W. Singer, declare under penalty of perjury as follows:

1. I am a partner of Weil, Gotshal & Manges LLP and am duly admitted to practice in the State of New York and before this Court. I am counsel to the Marvel Defendants and The Walt Disney Company in this action.

2. Attached hereto as Exhibit A is a true and correct copy of *Marvel Spotlight*, No. 5.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the Deposition of Gary Friedrich, conducted on April 1, 2011, that are cited in the accompanying Motion to Strike Plaintiffs' Jury Demand.

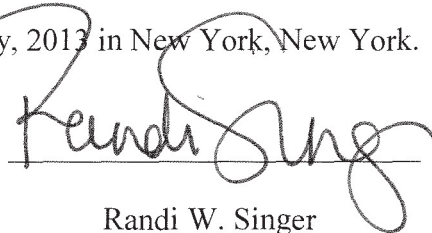
4. Attached hereto as Exhibit C is a true and correct copy of the transcript of Judge Casey's bench order granting Marvel's motion to strike the jury demand in *Marvel Characters, Inc. v. Simon*, No. 00-CV-1393 (RCC) (S.D.N.Y. March 14, 2003).

5. Attached hereto as Exhibit D is a true and correct copy of the order of the U.S. Court of Appeals for the Second Circuit denying the petition for mandamus in *In re: Joseph H. Simon*, No. 03-3062 (2d Cir. Aug. 20, 2003).

6. Attached hereto as Exhibit E is a true and correct copy of the Stipulation & Order concerning the defendants' withdrawal of their jury demand in *Marvel Worldwide, Inc. v. Kirby*, No. 10 Civ. 141 (CM) (KNF) (S.D.N.Y. Feb. 16, 2011).

7. Oral argument before the U.S. Court of Appeals for the Second Circuit in the action *Marvel Worldwide, Inc., et al. v. Kirby, et al.*, 11-cv-3333, was held on October 24, 2012. During that argument, in response to a direct question from the panel, defendants' counsel conceded that that case would not – if trial were deemed necessary – be tried to a jury.

This declaration was executed on the 3rd day of July, 2013 in New York, New York.



Randi W. Singer